

Lee McEnery

From: Lee McEnery
Sent: Friday, July 24, 2015 1:38 PM
To: Joe Brogan (BrogJ@foster.com)
Cc: Linda Ann Kuller; Sam Gibboney
Subject: Vesting of shoreline permit application

RE: Runstad – “Bank Stabilization - bulkhead”
Project File number PSJ000-12-0019
TPNs 151024002 and 151024003

Dear Mr. Brogan:

Our Department just determined that a recent court decision affects your application for shoreline armoring. (Potlatch Village Kirkland LLC vs Kirkland, <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/August-2014/New-Court-Decision-Clarifies-Vested-Rights-Doctrin.aspx>). The state court of appeals determined that a shoreline permit does not vest to regulations in effect at submittal.

In your case, you have **applied** for but not yet received approval of a shoreline permit. Therefore, your application is subject to the critical area regulations that became effective 3/31/2014.

Please submit evidence that your proposal is consistent with SJCC 18.35.020 – 050; SJCC 18.35.075 Frequently Flooded Areas; and SJCC 18.35.110 – 135. Specifically, the following sections of the code must be addressed:

- 18.35.130.G Standards and Requirements for Shoreline Modifications
- 18.35.130.G.1 General Standards
- 18.35.130.G.3 Additional Standards for Shoreline Stabilization Measures

<http://www.codepublishing.com/wa/sanjuancounty/>

Please give me a call if you have any questions at 370-7589.

Thank you.
Lee